

SHAWN MADURO §
v. § CIVIL ACTION NO. 5:14cv91
CHAPLAIN McCLURE §

The Plaintiff Shawn Maduro, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights during his confinement at the Federal Correctional Institution at Texarkana, Texas. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant is Chaplain Greg McClure.

The Defendant was served with process and filed a motion for summary judgment, to which Plaintiff filed a response. After review of the pleadings and evidence, the Magistrate Judge issued a Report recommending the motion for summary judgment be granted. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but it was returned as undeliverable and unable to forward. Shortly after the Report was returned, a change of address from Maduro was received, and the Court sent him a copy of the Report to this address by overnight mail. Records from the Clerk's office indicate Maduro received the Report on September 15, 2015.

Objections to the Report were due on September 29 but none have been received; accordingly, the parties are barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and

adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly


ORDERED that the Report of the Magistrate Judge (docket no. 22) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendant's motion for summary judgment (docket no. 13) is GRANTED and that the above-styled civil action is hereby DISMISSED with prejudice. It is further

ORDERED that the claims raised for the first time in Plaintiff's response to the motion for summary judgment, including his claims of religious discrimination occurring on dates other than July 23, 2012, are DISMISSED with prejudice for purposes of proceeding *in forma pauperis*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 30th day of September, 2015.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE